

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE A2P SMS  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

MASTER FILE: 12 CV 2656 (AJN)

ECF Case

**AFFIDAVIT OF IAN SHAPIRO  
PURSUANT TO LOCAL RULE 1.4**

STATE OF NEW YORK )  
: ss.:  
COUNTY OF NEW YORK )

IAN SHAPIRO, being duly sworn, deposes and says:

1. I am a member of the law firm Cooley LLP, attorneys for Defendants SoundBite Communications, Inc. ("SoundBite") and 2ergo Americas, Inc. ("2ergo"), defendants in this action.
2. I submit this Affidavit in support of the Motion to Substitute Counsel Pursuant to Local Rule 1.4 of SoundBite and 2ergo. I have personal knowledge of the facts set forth below.
3. Currently, Cooley LLP ("Cooley") represents SoundBite and 2ergo in this action.
4. SoundBite and 2ergo have asked K&L Gates LLP to substitute Cooley as their counsel in this action.
5. K&L Gates LLP has filed a Notice of Appearance on behalf of SoundBite and 2ergo in this action.
6. Accordingly, we respectfully request an Order granting Cooley LLP leave to withdraw as counsel to SoundBite and 2ergo, and substituting K&L Gates LLP as new counsel

for SoundBite and 2ergo in this action. More specifically, upon permission from the Court, counsel for SoundBite and 2ergo in this action would be:

K&L GATES LLP  
Peter N. Flocos  
Sarah P. Kenney  
599 Lexington Avenue  
New York, New York 10022  
Phone: 212-536-3900  
Fax: 212-536-3901

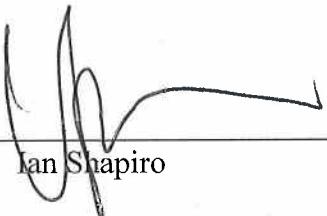
John Blessington (*pro hac vice* application  
to be submitted)  
State Street Financial Center  
One Lincoln Street  
Boston, Massachusetts 02111-2950  
Phone: 617-261-3100  
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7. This action remains in its early stages. The Court has scheduled oral argument on August 6, 2013 related to pending motions to dismiss, motions to compel arbitration and motions to stay proceedings pending arbitration. I have discussed these motions with K&L Gates LLP, and have been told that K&L Gates LLP is prepared to represent SoundBite and 2ergo during this oral argument.

8. Cooley LLP will fully cooperate with the transition of this action to K&L Gates LLP. To that end, Cooley LLP has provided its case file related to this action to K&L Gates LLP.

9. Cooley LLP is not asserting a retaining or charging lien.

WHEREFORE, Cooley LLP respectfully requests that the Court "So Order" the Stipulation and [Proposed] Order of Substitution of Counsel annexed hereto as Exhibit "A", and grant such further relief as the Court deems proper.



Ian Shapiro

Sworn to before me this  
31<sup>st</sup> day of July, 2013.



Notary Public

